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FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.259 OF 2005.

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Mr. A.V. Anturkar for the applicant.

Mrs. A.A. Agarwal for the respondent.

CORAM: ANOOP V. MOHTA, J.

DATED: 6TH JULY, 2005.

P.C.:

. Heard learned counsel for the parties. On 18th October, 2004, the present Writ Petition was admitted and stay has been continued since then. At this stage, therefore, there is no question of considering the case of the respondent for vacation of the ad-interim relief which was granted and confirmed on 18th October, 2004. The merit of the matter will be considered at the time of hearing of the Writ Petition.

. The learned counsel appearing for the respondent-applicant in the Civil Application alternatively submitted to fix the matter for final hearing as the landlord is of 83 years of

age and his requirement of bonafide need cannot be overlooked. There is no dispute that the premises in question is non-residential premises. At this stage, therefore, the request for early hearing is kept open. The parties are at liberty to move an application for early hearing, if case is made out at a later stage.

. So far as other prayers of recovery or payment of arrears of rent as per Annexure A2 annexed to the Civil Application, the learned counsel appearing for the applicant-respondent prayed for liberty to withdraw the same to file appropriate application. In the circumstances, the said liberty is granted.

. Civil Application is disposed of accordingly.

[ANOOP V. MOHTA, J.]